



1 **SUMMARY OF THE LAW**

2 The Act and its regulations are amended from time to time. The violations in this case occurred  
3 in 2016. For this reason, all legal references and discussions of law pertain to the Act’s provisions as they  
4 existed at that time.

5 Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act

6 When enacting the Political Reform Act, the people of the state of California found and declared  
7 previous laws regulating political practices suffered from inadequate enforcement by state and local  
8 authorities.<sup>2</sup> To that end, the Act must be liberally construed to achieve its purposes.<sup>3</sup>

9 A central purpose of the Act is to ensure voters are fully informed and improper practices are  
10 inhibited by requiring committees to disclose all contributions and expenditures made throughout a  
11 campaign.<sup>4</sup> Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously  
12 enforced.”<sup>5</sup>

13 24-Hour Contribution Report

14 Each committee that makes or receives a late contribution must file a report within 24 hours of  
15 making or receiving the contribution.<sup>6</sup> A “late contribution” includes a contribution aggregating \$1,000  
16 or more that is made or received by a candidate or his or her controlled committee, or a committee formed  
17 or existing primarily to support or oppose a candidate or measure, during the 90-day period preceding  
18 the date of the election, or on the date of the election.<sup>7</sup>

19 For the November 8, 2016 General Election, the 90-day reporting period commenced on August  
20 10, 2016.

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24 Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2,  
25 Division 6 of the California Code of Regulations, unless otherwise indicated.

26 <sup>2</sup> Section 81001, subdivision (h).  
27 <sup>3</sup> Section 81003.  
28 <sup>4</sup> Section 81002, subdivision (a).  
<sup>5</sup> Section 81002, subdivision (f).  
<sup>6</sup> Section 84203.  
<sup>7</sup> Section 82036.

1 Joint and Several Liability of Committee, Treasurer, and Principal Officer

2 Under the Act, it is the duty of the treasurer of a committee to ensure that the committee complies  
3 with all the requirements of the Act concerning the receipt, expenditure, and reporting of funds.<sup>8</sup> It is the  
4 duty of the committee's principal officer to authorize the content of communications made by the  
5 committee, authorize expenditures made by the committee, and determine the committee's campaign  
6 strategy.<sup>9</sup> The treasurer and principal officer may be held jointly and severally liable, along with the  
7 committee, for violations committed by the committee.<sup>10</sup>

8 **SUMMARY OF THE FACTS**

9 The Committee was first formed in 2008, filing an initial statement of organization with the  
10 Secretary of State on or about March 7, 2008. Filing as the treasurer under the name Kristina Ashley,  
11 Juarez assumed the role for treasurer in 2016 and is presently serving as the treasurer, according to the  
12 Committee's Statement of Organization. In 2016, the Committee reported receiving \$5,996 in  
13 contributions and made \$7,834 in expenditures. The Committee timely filed campaign statements,  
14 including pre-election campaign statements in connection with the November 8, 2016 General Election.

15 The Committee made the following expenditures in support of candidates Tim Nonn and Chrissa  
16 Gillies are outlined below:

24-Hour Contribution Report	Date	Candidate	Amount and Prorated to Each Candidate	Description
1	10/7/16 <sup>11</sup>	Tim Nonn and Chrissa Gillies	\$4,261 (Prorated: \$2,130)	7,968 pieces of a mass mailing
2 In aggregate, each candidate received \$1,000+ (Prorated: \$1,319)	10/13/16	Tim Nonn and Chrissa Gillies	\$1,784 (Prorated: \$892)	Full page advertisement in a local community paper
	10/13/16	Tim Nonn and Chrissa Gillies	\$855 (Prorated: \$427)	Web advertisements

24 <sup>8</sup> Sections 81004, 84100, 84213, and Regulation 18427.

25 <sup>9</sup> Section 82047.6, Regulation 18402.1, subdivision (b).

26 <sup>10</sup> Sections 83116.5 and 91006.

27 <sup>11</sup> The Committee appears to have used the date November 3, 2016 as the expenditure date because this is when the vendor issued the invoice. However, as the Committee received the benefit of the expenditure on or around October 7, 2016, this is the date of the expenditure.

1 The Committee was required to file a 24-Hour Contribution Report on or by October 10, 2016,  
2 the first business day after the Saturday deadline, to report the mailer paid for in support of the two  
3 candidates. This expenditure should have been reported on the pre-election campaign statement for the  
4 period ending October 22, 2016. However, because the Committee used the date off of the invoice as the  
5 date the expenditure was made, instead of the date that that the advertisement was actually mailed,  
6 October 7, 2016, the Committee did not disclose the advertisement until after the election. Additionally,  
7 the Committee reported the expenditure as an independent expenditure, causing confusion as to the nature  
8 of the expenditure.

9 Additionally, the Committee was required to file a 24-Hour Contribution Report on or around  
10 October 14, 2016 for the advertisements paid for by the Committee to support the candidates, but the  
11 Committee failed to file any report.

## 12 VIOLATIONS

### 13 Count 1: Failure to Timely File 24-Hour Contribution Reports

14 The Committee and Ashley failed to timely a 24-Hour contribution report to disclose \$4,261 by  
15 the deadline of October 10, 2016 and failed to timely file a 24-hour contribution report to disclose \$2,639  
16 by the deadline of October 14, 2016, in violation of Section 84203.

## 17 PROPOSED PENALTY

18 This matter consists of one count. The maximum penalty that may be imposed is \$5,000.<sup>12</sup>

19 In determining the appropriate penalty for a particular violation of the Act, the Commission  
20 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the  
21 Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of  
22 any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or  
23 inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective amendments  
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<sup>12</sup> See Section 83116, subdivision (c).

1 voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior record of  
2 violations.<sup>13</sup>

3 Here, the violations appear to be negligent. The Committee and Juarez have no prior history of  
4 enforcement actions. Timely filing of 24-Hour reports before elections is necessary to ensure  
5 transparency in elections and permits the voter to understand the nature and extent of a candidate's  
6 supporters or detractors.

7 The Commission considers penalties in prior cases with the same or similar violations and  
8 comparable facts. With respect to Count 1: *In the Matter of Robert G. Jones, Robert G. Jones for Los*  
9 *Rios Trustee 2010, and Julianne C. Jones*, FPPC No. 16/339 (The Commission approved a settlement at  
10 the March 2018 meeting.) The respondents were charged with failure to file two 24-Hour Contribution  
11 Reports that would have disclosed \$23,000 in contributions the committee received by the deadline. The  
12 reports were filed late but prior to the election and were not timely disclosed on campaign statements.  
13 The Commission imposed a penalty of \$1,500.

14 Here, the amount of funds that were not reported were less, \$6,900 compared to \$23,000. The  
15 committee timely filed pre-election statements, unlike *Jones*, but failed to report some of the activity on  
16 the second pre-election statement and therefore delayed disclosure until after the election. Therefore, a  
17 penalty of \$1,500 is recommended.

## 18 CONCLUSION

19 Complainant, the Enforcement Division of the Fair Political Practices Commission, and  
20 Respondents Rohnert Park Cotati Educators Association Political Action Committee, and Kristina  
21 (Ashley) Juarez hereby agree as follows:

22 1. Respondents violated the Act as described in the foregoing pages, which are a true and  
23 accurate summary of the facts in this matter.

24 2. This stipulation will be submitted for consideration by the Fair Political Practices  
25 Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.

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27 <sup>13</sup> Regulation 18361.5, subdivision (d).



1           7.       The parties to this agreement may execute their respective signature pages separately. A  
2 copy of any party's executed signature page, including a hardcopy of a signature page transmitted via fax  
3 or as a PDF email attachment, is as effective and binding as the original.

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5 Dated: \_\_\_\_\_

\_\_\_\_\_   
Galena West, Chief of Enforcement  
Fair Political Practices Commission

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9 Dated: \_\_\_\_\_

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Kristina (Ashley) Juarez, individually and on behalf of  
Rohnert Park Cotati Educators Association Political  
Action Committee

1           The foregoing stipulation of the parties “Rohnert Park Cotati Educators Association Political  
2 Action Committee and Kristina (Ashley) Juarez,” FPPC Case No. 16-19921, is hereby accepted as the  
3 final decision and order of the Fair Political Practices Commission, effective upon execution below by  
4 the Chair.

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6           IT IS SO ORDERED.

7 Dated: \_\_\_\_\_

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Richard C. Miadich, Chair  
Fair Political Practices Commission  
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